

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>MESA INDUSTRIES, INC.,</b>	:	<b>Case No. 1:22-cv-160</b>
	:	
<b>Plaintiff,</b>	:	<b>(Judge Jeffery P. Hopkins)</b>
	:	
<b>-v-</b>	:	
	:	
<b>CHARTER INDUSTRIAL SUPPLY, INC., et al.</b>	:	
	:	
<b>Defendants.</b>	:	

**STIPULATED INJUNCTION**

This matter came before the Court on Plaintiff's Verified Complaint for Injunctive Relief and Damages ("Verified Complaint"). In order to avoid the expense, inconvenience, and uncertainties of litigation, and without any Party conceding any fault or responsibility on its/his/her behalf or any liability to any other Party, the parties hereby advise the Court that the parties wish to settle the pending litigation subject to the agreed upon terms of this Stipulated Injunction. Therefore, it hereby ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. Defendants Charter Industrial Supply, Inc., Alex Espinoza, and Kyle King and their agents (collectively "Defendants"), shall be restrained and enjoined from, accessing, disclosing, and/or using the following documents obtained from any current or former Mesa employee:

- a. Plaintiff's Drawings, including:
  - i. Plaintiff's Application Drawings, which have also been referred to in this litigation as Reference Drawings, and which depict the positioning, placement and utilization of Plaintiff's products by customers, contractors, or end-users; and
  - ii. Plaintiff's Product Drawings, which have also been referred to in

this litigation as Manufacturing Drawings, and which depict the specifications of Plaintiff's products for use in manufacturing and assembling the products.

Plaintiff's Drawings are a set of drawings created by Plaintiff in either AutoCAD or Autodesk Inventor depicting Plaintiff's products in individual files (one per drawing), with each drawing saved in its own file in various formats, including PDF (.pdf), AutoCAD (.dwg) and Autodesk Inventor (.ipt, .iam, .idw); and

- b. Plaintiff's Above-Ground Storage Tank Database (defined immediately below):
  - i. Plaintiff's Above-Ground Storage Tank Database is a set of data regarding above ground storage tanks compiled by Plaintiff into a single database in MS access stored in a single MS Access file (.mdb); and
- c. Any printouts or copies, whether electronic or otherwise, of Plaintiff's Application Drawings, Product Drawings, and/or Above-Ground Storage Tank Database; and
- d. Mesa compatibility charts, data sheets, price listings, brochures, or other documents created by Mesa or bearing the Mesa logo.

2. Nothing in this Stipulated Injunction prevents Defendants from accessing, disclosing, and/or using information that is included in any of the above referenced documents (1(a)-(d)), provided that the Defendants obtained that information and/or documents from sources other than Plaintiff.

3. It is not a violation of this Stipulated Injunction for the Defendants to access, disclose, and/or use Plaintiff's information and/or documents described above, provided that Defendants obtained such information or documents from public sources or from customers, contractors, or end-users.

4. For any of Plaintiff's documents described in 1(a)-(d) above which Defendants obtain from customers, contractors, or end-users after the date of this order, Defendants shall create and keep a log including the following information:

- a. The source from which Defendants received such documents;
- b. The date on which such documents were received;
- c. The format in which the documents were received, e.g. PDF, hard copy, etc.
- d. The manner in which such documents were received, e.g. email, text message, etc.

Defendants shall make such log, documents, and any related communications (including communications by which such documents were received) available to counsel for Plaintiff on a quarterly basis, in accordance with the following schedule:

- September 30, 2023
- December 31, 2023
- March 31, 2024
- June 30, 2024
- September 30, 2024
- December 31, 2024
- March 31, 2025
- June 30, 2025

If Defendants inadvertently fail to provide a log by the above dates, Plaintiff shall notify Defendants of the failure and Defendants shall have five (5) business days to provide the log. The log and any related documents may be marked as Attorney's Eyes Only pursuant to the Stipulated Protective Order [Doc. 22].

5. This Stipulated Injunction is effective immediately and shall remain in effect through June 30, 2025.

6. Nothing in this Stipulated Injunction is an admission of any kind, nor a waiver or release of any claims or defenses. The Parties reserve their right to challenge any claim or allegation that one or more of the Parties violated this Stipulated Injunction.

7. Upon entry of this Stipulated Injunction and pursuant to the settlement agreement between the Parties, the case is dismissed. The Court shall retain jurisdiction over this matter and allow this case to be reopened for the purpose of enabling the parties to this Stipulated Injunction to apply to this Court for further Order that may be necessary to construe, carry out, or enforce compliance with the terms of this Stipulated Injunction.

IT IS SO ORDERED.

Signed and entered this \_\_\_\_ day of \_\_\_\_\_ 2023.

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Judge Jeffery P. Hopkins

Agreed to by:

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